G. R. S. 59]

P 18

GENERAL AND REVENUE SECRETARIAT

1911.

(Police)

File No. 216 of 10

1

Serial Nos. 1 – 2

Papers Filed.

Month September 1911

SUBJECT.

Proposal to prosecute one B. Achard of Siddapur, Coorg for certain offences alleged to have been committed in Begur Forest.

PREVIOUS REFERENCES.	LATER REFERENCES.
Forest F. No 47 of 10/F-2	C 5 183 – 16 – 11–2) pol 58 – 19 (1–6)

union
30/10/14

G.R.S. 11] 191/.

GENERAL AND REVENUE SECRETARIAT

(Police)

NOTES.

File No. 216-10

FILE HEADING.

Proposal to prosecute Mr. C. B Achand of Siddapur, Coorg, for certain Insl offences alleged to have been committed in Bepu State Insl.

From

The Dy. Comr. Kupur Dis

No. 668 Dated 23.5.4 Received

Diary No. 5688	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

Submits records connected with ~~the delay~~ the committing of certain Insl offences by Mr C.B. Achandy Siddapur Coorg.

NOTES AND ORDERS.

H.P

Submitted for orders with H 47-10-102 wherein the history of the offence has been detailed and orders have been passed Calling upon Mr. Achand to surrender the Insks.

2) The present case may be transferred

NOTES—First sheet.

,000—24-4-09

G.R.S. 11] 19~~0~~1.

GENERAL AND REVENUE SECRETARIAT

(~~Police~~)

NOTES.

File No. 216-1.

FILE HEADING.

Proposal to prosecute Sri C. B Achaya of Siddapur, Coorg, for certain Instl offences alleged to have been committed in Begur State Instl.

From

The Dy. Comr Kupam Dist.

No. 668 Dated 23.5.41 Received

Diary No. 8688	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

Submits records connected with ~~the alleged~~ the committing of certain Instl offences by Sri CB Achaya of Siddapur Coorg.

NOTES AND ORDERS.

H.P

Submitted for orders with H.47-10-1½ where the history of the offence has been detailed and orders have been passed calling upon Sri. Achaya to surrender the Insks.

2) The present case may be transferred

NOTES—First sheet.

GPB—15,000—24-4-09

Serial No.

... to Bar III.

29/5/11

3) yes.

29/5/11

4) Subo. As Mr. Achard is reported to be a European British Subject no report to the Residency is necessary. The offence may be tried by a Justice of the Peace — perhaps Mr. Plumer the nearest J. P.

(vide former file no 57-3) JLQ

5) But as the accused is a European British subject and is outside the State it is doubtful whether he can be compelled to take his trial before a J.P. in Mysore seeing that the provisions of the Indian Extradition &c chapter III of do not apply to the cases of European British subjects.

JLW

B.G. (59)31.5.11.

6) In the first place it has to be decided whether the case is one fit for prosecution. The first Accused is a

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General and Revenue Secretariat.

NL File No. 116 of 19 11-12.

Serial No.

opinion that it is. If so, the accused being a European British subject and with in British India may be tried by a Magistrate in B India for the offence theft under Sect. 188 of the British India Criminal Procedure Code. Sd/- Jamadas

NS (25)
31/5/11

Sd/- As the accused is said to be a European British subj there is no question of extradition between as our Courts have no jurisdiction to try him. Further the Extradition Act does not apply to European British subje

Sd/-

Please note (on receipt) that the Act would be an offence accord

Serial No.

7) Please put up (1) Lee-Warner's Native States &
(2) A Copy of the Madras Forest Act — & the Forest Act as in force in Coorg.

2/6/11. Sd

8) Subo.

Lee Warner's Native States is said to be subd. to the Dewan in another connection.

760 765 9) Copies of the Madras Forest Act and of the Forest Act as in force in Coorg are put up.

B.G. 5.6.11

10) Ld Our Courts can not try the accused and he can be tried only by a J.P. for an offence committed in Mysore. His act in British India can not constitute an offence as he held a license from the Dist. Magte of Mysore. Further we are not concerned with it.

Trial ~~by a Jurist~~ of a European British Subject by a Justice of the Peace

Serial No.

in Mysore Can only be under a jurisdiction vested in him by the Governor-General in Council. Under Sec 188 of the Criminal Procedure Code as in force in B. India European British Subjects ~~now~~ in the territories of a Native Prince or State in alliance with His Majesty are amenable to the authority of the Governor-General in Council for offences committed with in the territories of such Native Prince or State. There can not therefore be any question of "extradition" of the accused in this Case and the only Course to adopt is to get the law in motion against him before a J. P. whose summons he will be bound to obey. If he does not choose to obey the summons a warrant will have to be taken out.

(3) As to whether this is a fit Case for prosecution it may be observed that Mr Archard has assumed a hostile attitude and refuses to give up the tusks Except on the payment of Compensation. So far as the Mysore Govt are Concerned there is no Equity in his favour and if the wounded Elephant strayed into Mysore limits he only took the risk of

Serial No.

of a Course fetishistically adopted by him and which he might have ~~can~~ be expected to foresee as a reasonable Consequence of his act.

12) The case therefore seems to be a one for prosecution.

6/6/11. Sd

Lee)

13) Pls. Further note.

It is no doubt true that Mr Archard killed a rogue Elephant which, accg to his had the death of 5 men to his account. But the Mysore Govt authorities did not think of prosecuting him simply on account of the trespass. It is because he has refused to observe the Conditions regarding the ~~prosecution~~ prosecution has been suggested. There is nothing on the record to show that the Mysore Govt asked him to ~~shoot~~ kill the Elephant

6/6/11 Sd

Lee).

GPB—50,000—12-8-10

General and Revenue Secretariat. | Police File No. 216 of 19 10-11

Serial No.

14) No doubt the letter of the law maybe against Mr Achard, but taking all the circs. of the case together it seems inexpedient to prosecute the case.

(Secy + Dewan)

CSB 27/6/11

SD 23/6/11

15) The Conservator of Forests maybe consulted. He recommends that Mr Achard be allowed to keep the tusks, though Govt ordered that he should be made to pay for them.

27/6/11

16) Please consult Cons^r F.O.

27/6/11

OFFICE OF THE CONSERVATOR OF FORESTS IN MYSORE.
Regr. No. 4 G 211
Date 30. 6. 11

17) Forwarded to the Conservator of Forests for favour of opinion.

B. O.

Shivayanna
Forlee 1

Rec^d 28/6/11 C

27/6/11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

18) C/o P.R. No. 22 dated 30.6.11

The accused was not shot in our front but having been mortally wounded crossed the border and died within 100 yds of the boundary. It is true that he removed the tusks, but he had no other alternative - He could not have left them there without exposing them to the risk of being stolen. The offence to my mind is a technical one; but it is a question whether we could retreat from the position we have taken up without loss of dignity. Mr. Rehard declines to surrender the tusks unless he is compensated to the extent of Rs 1500/- A prosecution in the circumstances of the case would undoubtedly be a very unpleasant task and the sentence if there be a conviction would I think be nominal. Taking all these circumstances into consideration I think we might with grace let him retain the tusks.

29.6.11

19) Sealed. for orders.

4/7/11

4/7/11

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General and Revenue Secretariat.

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9

Serial No. 5

I agree with the Conservator. Mr Acland may be given permitted to retain the trap.

Dewan

20 VIII

Books

1 Principal Cr: Pro: Code
2 Madras Code VOL I
3 Extradition Act 1903
4 The Mysore Forest Rules

12670

21.7.11

4 books.

Police file no. 216 of 1910-11

Submitted to His Highness.

1. I submit herewith a file of papers in connection with a case in which one Mr. O.B. Achard of Siddapur, Coorg, is reported to have trespassed into the Begur State Forest, and removed the tusks of a rogue elephant which he shot within the British frontier under a license given by the District Forest Officer of North Malabar, but which died within the limits of the Mysore Forests, about 100 yards from the frontier.

2. Technically the removal of the tusks from the Mysore Forests is an offence, but when Mr.Achard was called upon to return the tusks, he put in a claim for compensation to the amount of Rs.1,500 on account of the expenses and the risks incurred by him. In Government Proceedings No.R.2002 dated 29th September 1910 on the subject, it was ordered that the rules on the subject in force in Mysore (under which a licensee who shoots an elephant is entitled to keep the smaller of the 2 tusks on payment of 75% of its value) may be communicated to Mr. Achard, with the direction that he should abide by the rules.

Police file no 216 of 1910-11

23. This order has been communicated to Mr.Achard, but he has not given any reply to the communication sent to him. The District Forest Officer has therefore prepared a charge sheet, charging Mr. Achard with offences under Sections 24 and 25 of the Forest Regulation and Section 379 of the Indian Penal Code (theft). The District Magistrate of Mysore has submitted the papers to Government as the accused is a European British subject.

Encl. to "Papers under disposal"

Papers under disposal

24. The Conservator of Forests and the First Councillor are of opinion that Mr. Achard may be permitted to retain the tusks.

Paras 8 & 9 of Notes.

25. The case is certainly one which may be treated leniently, and Mr. Achard may be allowed to retain the tusks, but properly this can only be after he surrenders the tusks and asks for them. His refusal to surrender the tusks and asking Government to pay a price for them would prove to be a bad precedent.

26. I submit the papers for orders.

27. If criminal proceedings are to be instituted, the charge sheet will have to be presented at Mysore before Mr. Plumer, Justice of the Peace.

be

31/July/11

Police File no 216 of 1910-11

1L

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Institution of criminal proceedings against Mr. O.B.Achard of Siddapur, Coorg, for trespassing into the Mysore Forest and removing the tusks of a rogue elephant shot by him.

Returned with D.O. No 568 S. 8.11

Order.

HHM 8/8/11

8/8/11

D. O. No.

D.O. No. 56
1 file

PRIVATE SECRETARY MYSORE

Fernhill, Ooty,

5th Aug 11.

Dewan's order

My dear Sir,

I am directed to return File No.2242 dated 31-7-11 and to say that His Highness is of opinion that Mr.Achard may be informed that he will, in the special circumstances of the case, be allowed to keep the elephant's tusks referred to.

Yours sincerely,

T.Ananda Row Esq.,C.I.E.,

Dewan of Mysore,

Bangalore.

G. R. S. 12]
General and Revenue Secretariat.

Police File No. 216 of 1910-11

Serial No.

31 Subo. with a draft to the Dy. Comm. Impose DC. There seems to be no necessity for communicating

NOTE—Contn. sheet.

GPB—50,000—12-8-10

General and Revenue Secretariat. | Police File No. 216 of 1910-11

Serial No.

with Mr. Achard.
B.G. 6/11/5-11 (AV(1))

12/8/11

(sd). GV Issue

Sd
6/9/11

File
20/9/11

2 To The Dy. Comr. & Dt. Magte. Dumka Dt.
no. J917 Dt/13-9-11
Stating that govt. do not consider it expedient to institute criminal proceedings against Mr. Achard, that he may be allowed to keep the tusks in question & that no further action is therefore necessary.
To The Conservator of Forests. no. J918 Dt/13-9-11

Forwards copy of the above.

From A Subbaraya Aiyangar, Esq., B.A.
Offg. Dy. Asst. Deputy Commissioner,
Mysore District.

File no 216-10
Sl. no. 1

To C. S. Balakrishnaraya, Esq., B.A.
Secy. to Govt. of Mysore,
Gen. & Rev. Depts.

Dated 23rd May 1911

Despatched

Received

General No. 648
No.

Enclosure No. Records

Submitting Records re
Forest offence committed
by Mr O.B. Achard.

No. 648
Enc. No. Records.

OFFICE OF THE Deputy Commissioner
MYSORE DISTRICT,

Dated Mysore Camp 23rd May 191 .

FROM

A. Subramanya Iyer Esq., B.A
Offg. DEPUTY COMMISSIONER, MYSORE DISTRICT.

To

C.S. Balasundram Iyer Esq., B.A.
Offg: SECRETARY TO THE GOVERNMENT
HIS HIGHNESS THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

SIR,

I have the honor to forward herewith the charge-~~sheet~~ sheet presented by the Assistant Conservator of Forests, Heggadadevanakote Range, charging Mr. O.B. Achard with trespassing into the State Forest and removing and taking away the tusks and feet of an elephant (dead) in Begur State Forest, offences punishable under sections 24 and 25 of the Mysore Forest Regulation Rules and section 379 I.P.C. and also the records connected with the case ending with the Mysore District Forest Officer's No. 921/~~5233~~ dated 11th instant.

As Mr. Achard has given no reply to the notice issued to him in accordance with Government order No. 2002/F& 47-10-2 dated 29th September 1910 the Assistant Conservator of Forests has presented this charge-sheet. 7C P

The accused being a European British subject I have submitted the records in accordance with Government Order No. 2018-27 cts 05 dated 22.1.1906. 7C T/

I have the honor to be

sir,

your most obedient servant

Offg: Deputy Commissioner
Mysore District.

modified by
G.O. no J2426-37-
dt 3.4.06

11/6/9 1½ 2 Pols 2

Police

G.R.S. 26J

File No. 216

Serial No. 2

Diary No. of letter replied to

No. J 914 Encl 1 file.

General and Revenue Secretariat
(Police)
, the 19 .

To

The Dy. Comr. & AC. Nuwara
" of the Mypse AC
Sir,

With reference to your
letter No. 618 dated the
23rd May 1911 enclosing
for the opinion of Govt. the
records connected with
the appropriation by Mr.
of Sirdars, Comp.
Richard of the books of
an elephant shot by him
I am directed to state that the
Govt do not consider
subject to appeal.

over.

SUBJECT.

Pr 82 12/9

expedient to institute
criminal proceedings subject to approval.
against him
against him for perjury
in question and that in
the special circumstances
of the case he may be
moved to keep the Conservator
referred to in question. No further action is therefore necessary.

The papers ~~enclosed~~
received with the letter
under reference are herewith
returned.

I have &c

For Secretary

Gi 11.8.11 SW(U)

J 9189 13/9/11.

Copy to the Conservator of Forests
in Mysore — B.

List of enclosures,

Copied by

Examined by

GPB—20,000—26-9-10